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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,860	10/30/2003	Terrence Anton	10052-001	9768

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ORLANDO, FL 32801

EXAMINER

GRAHAM, MARK S

ART UNIT	PAPER NUMBER
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3711

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/697,860

Applicant(s)

ANTON ET AL.

Examiner

Mark S. Graham

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 35-37, 39-48 and 52-64 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 and 52-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-30, 32, 33, 35-37, 39-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39, 40, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Beam. Jones discloses the claimed course with the exception the use of a substantially equal rectangular dimensions for each hole. However, as disclosed by Beam it is known in the art to use such an arrangement to save ground area. Note Beam's Fig. 1 and Col. 4, lines 28-32. It would have been obvious to one of ordinary skill in the art to have provided Jones' holes in the same manner if it was desired to provide a more compact golf course.

Regarding the tee positioning Jones discloses that it is known to locate tees at various positions along the fairway. How the tee areas are used is not at issue.

Concerning claim 40, the examiner took official notice that golf courses are commonly provided with extra space and swimming pools in country club settings to provide various activities and such is now admitted prior art. It would have been obvious to one ordinary skill in the art to have provided Jones' course in the same manner for the same reason.

Claims 22-28, 30, 32, 33, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Beam and Shaw. Jones discloses the claimed course with the exception the use of a substantially equal rectangular dimensions for each hole. However, as disclosed by Beam it is known in the art to use such an

arrangement to save ground area. Note Beam's Fig. 1 and Col. 4, lines 28-32. It would have been obvious to one of ordinary skill in the art to have provided Jones' holes in the same manner if it was desired to provide a more compact golf course.

With regard to the irrigation system, as noted previously such are known in the art as typified by Shaw. It would have been obvious to one of ordinary skill in the art to have provided such with Jones course as well to provide irrigation.

Regarding the tee positioning Jones discloses that it is known to locate tees at various positions along the fairway. How the tee areas are used is not at issue.

Claims 29 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 22 and 44 respectively above, and further in view of Taniguchi. Claims 29 and 45 are obviated for the reasons set forth in the claim 22 and 44 rejection with the exception of the lighting. However, as disclosed by Taniguchi it is known in the art to use such on golf courses. It would have been obvious to one of ordinary skill in the art to have done the same with Jones' golf course to allow for night play.

Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 22 above, and further in view of Armstrong. Claims 35-37 are obviated for the reasons set forth in the claim 22 rejection with the exception of the target. However, it is known in the golf art to use such targets for golf games as disclosed by Armstrong. It would have been obvious to one of ordinary skill in the art to have used such on Jones' course as well to play a game such as that disclosed by Armstrong.

Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 39 above, and further in view of Armstrong. Claims 35-37 are obviated for the reasons set forth in the claim 39 rejection with the exception of the target. However, it is known in the golf art to use such targets for golf games as disclosed by Armstrong. It would have been obvious to one of ordinary skill in the art to have used such on Jones' course as well to play a game such as that disclosed by Armstrong.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 40 above, and further in view of Aberg for the reasons set forth in the previous action's application of Aberg.

In response to applicant's first argument it is true that Jones discloses a full size golf course with different length holes as is conventional. However, the point of the rejection is that in a limited space situation, as discussed by Beam, a reduced size version of a golf course may be offered by providing a smaller 18 hole modular layout wherein each hole is fitted into an identical rectangular boundary. One of ordinary skill in the art seeking to provide holes with varied teeing areas such as Jones in a limited space would obviously have seen the benefits of using a compact modular system such as taught by Beam to lay out the course.

Applicant's arguments over the particular dimensions of Beam's course or the type of "fairways" it uses continue to miss the point of the rejection. Beam, contrary to applicant's assertion, clearly shows a downsized golf course. Eighteen holes in a reduced size format are presented. That Beam's holes are designed to emphasize

particular parts of the golf game does not negate this fact. Jones teaches normal size holes of the design claimed by applicant. Beam teaches that when downsizing a golf course holes may be provided within defined rectangular boundaries adjacent to one another to save space. The exact dimensions and details of each hole would obviously have been up to the ordinarily skilled artisan depending on the difficulty desired in the hole and the amount of limited space available.

The examiner is not suggesting that one physically fit a full size hole within the boundaries of one of Beam's course. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The balance of applicant's arguments are an exact repeat of the arguments presented in the previous response. The examiner's response to these arguments remains identical to that set forth in the previous office action and repeated above.

Applicant's arguments filed 12/13/06 have been fully considered but they are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

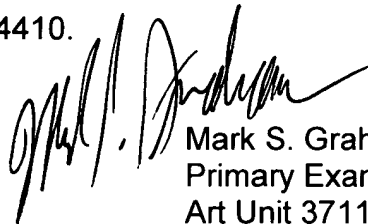
Art Unit: 3711

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Mark S.

Graham at telephone number 571-272-4410.

MSG
3/8/07

A handwritten signature in black ink, appearing to read 'Mark S. Graham', is written over the typed name and title.

Mark S. Graham
Primary Examiner
Art Unit 3711